

Zoning Text Amendment No.: 06-09  
Concerning: Split-zoned property  
Draft No. & Date: 1 – 3/21/06  
Introduced: March 28, 2006  
Public Hearing: May 2, 2006; 1:30 pm  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Councilmember Silverman

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- providing a process for reclassification of a split-zoned property to a single zone classification; and
- generally amending provisions related to a corrective map amendment.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-H-10	“CORRECTIVE MAP AMENDMENTS”
Section 59-H-10.1	“Generally”
Section 59-H-10.2	“Planning Commission to file an application”
Section 59-H-10.3	“Contents of an application”
Section 59-H-10.4	“Planning Board recommendation”
Section 59-H-10.5	“District Council Public Hearing”
Section 59-H-10.6	“Deferral, postponement, or continuance of hearing”
Section 59-H-10.7	“Action by the District Council”

<b>EXPLANATION:</b>	<p><b><i>Boldface</i></b> indicates a heading or a defined term.</p> <p><u><i>Underlining</i></u> indicates text that is added to existing laws by the original text amendment.</p> <p>[<i>Single boldface brackets</i>] indicate text that is deleted from existing law by the original text amendment.</p> <p><u><i>Double underlining</i></u> indicates text that is added to the text amendment by amendment.</p> <p>[<i>[Double boldface brackets]</i>] indicate text that is deleted from the text amendment by amendment.</p> <p><i>* * *</i> indicates existing law unaffected by the text amendment.</p>
---------------------	---

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec 1. DIVISION 59-H-10 is amended as follows:**

**DIVISION 59-H-10. CORRECTIVE MAP AMENDMENTS.**

**59-H-10.1. Generally.**

(a) A corrective map amendment may cover one or more tracts of land or a section of the Maryland-Washington Regional District.

(b) The purpose of a corrective map amendment is to enable the District Council in lieu of a comprehensive sectional map amendment to correct technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as the result of mapping, surveying, or other technical information[.] and to allow split-zoned property to be reclassified to one of the split-zoned classifications. A corrective map amendment does not alter the prior comprehensive zoning as the basis for determining change in the character of the neighborhood.

**59-H-10.2. [Planning Commission to file an application] Authority to file an application.**

Except for a corrective map amendment application to reclassify property that is split-zoned, [T]he Planning [Commission] Board, or designee, may submit an application for a corrective map amendment. The District Council may request that the Planning [Commission] Board initiate a review of possible errors which may necessitate the need for preparing a corrective map amendment. A corrective map amendment application to reclassify split-zoned property may be filed by the owner, contract purchaser or person with a financial interest in the split-zoned property. No time limitations will attach when such an application may be filed. The application must be filed with the District Council and the file must be maintained by the Council.

**59-H-10.3. Required findings for split-zoned properties.**

(a) Findings required. In order to reclassify a split-zoned property to one of the split-zoned classifications, the District Council must find:

- (1) That at the time the corrective map amendment application was filed, the property was classified in two or more zones;
- (2) That the reclassification of the property to a single zone will aid in the systematic development of the Regional District;
- (3) That the zone classification requested will not result in the development of uses and densities incompatible with the uses and densities allowed under the zone classification of adjacent properties;
- (4) That reclassification of the property to a single zone will eliminate inconsistent regulations; and
- (5) That the requested zoning classification is not inconsistent with the land use recommendation of the applicable master or sector plan.

(b) District Council action. If a master or sector plan recommends one specific classification for a split-zoned property that property may only be rezoned to the zoning classification recommended in the master or sector plan. The District Council is not required to find a change in the character of the neighborhood, or a mistake in the last comprehensive zoning, to grant a reclassification of a split-zoned property to a single zone.

**59-H-10.[3]4. Contents of an Application.**

An application for a corrective map amendment must include:

- (1) A description of each parcel of property proposed for adjustment.
- (2) A map depicting the existing zoning for each property and the proposed zoning adjustment.
- (3) A statement describing the rationale in support of the zoning adjustments.

**59-H-10.[4]5. Planning Board recommendation.**

\* \* \*

**59-H-10.[5]6. District Council Public Hearing.**

**\* \* \***

**59-H-10.[6]7. Deferral, postponement, or continuance of hearing.**

**\* \* \***

**59-H-10.[7]8. Action by the District Council**

**\* \* \***

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action

---

Linda M. Lauer, Clerk of the Council